Writ Petition held not to espouse Public Interest – held to have been filed on account of inter se dispute between the parties concerned

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Mahesh Bhatia v UOI, W.P. (C) 4846/2017 The petitioner had filed the writ petition, inter alia, seeking that an inquiry/investigation be conducted with regard to the import/sale/availability of the mobile handsets/data cards/Wi-Fi dongles without valid International Mobile Equipment Identification (IMEI)/ Mobile Equipment Identification Number (MEID), issued by MSAI/TIA which are not updated in the Equipment Identity Register maintained by all telecom service providers. The Petitioner alleged that mobile handsets are being imported/have been imported into the country without a registered IMEI/MEID number, posing a grave threat to national security. It is also alleged that our client - Respondent No. 4 (Sistema Shyam Teleservices) has been providing the CDMA services and have been importing mobile phones, which offend the applicable Regulations, through Respondent No. 5 (Shyam Telecom Limited, also our client). The Petitioner contended that the IMEI/MEID numbers are necessary for mobile sets in the interest of national security. Team Anand and Anand representing Respondents No. 4 and 5 submitted before the Hon'ble Court that the present Writ Petition is in the nature of a 'Public Interest Litigation (PIL)' and accordingly, is liable to be dismissed in terms of the guidelines laid down by the Hon'ble Delhi High Court vide Notification No, 451/Rules/DHC, passed in accordance with the Hon'ble Supreme Court's order dated 18 January 2018 in Civil Appeal NO.1134-113512002 titled "State of Uttaranchal Vs. Shri Balwant Singh Chaufla". In response to a pointed query by this Court as regards the Petitioner's interest, it was contended that since Respondent No. 4 (Systema Shyam Teleservices Ltd.) has been using the brand name "MTS", which was also the brand name of the Petitioner, the Petitioner was interested in the conduct of affairs of Respondent No. 4. Additionally, we also informed the Hon'ble Court that the issue of fake IMEI/MEID has already been dealt with by the Division Bench of this Court in W.P. (C) 5772/2014, titled "Micromax Informatics Ltd Vs. Union of India & Ors" which was decided on 17.02.2019. In that case, an affidavit was filed on behalf of the Assistant Commissioner, Commissionerate of Customs, Jaipur, indicating that Directorate General of Foreign Trade (DGFT) had issued a notification dated 16.01.2015, prohibiting the import of mobile phone with fake/duplicate IMEI numbers. Vide order dated 25 March 2019, by the Hon'ble Justice Vibhu Bakhru, it was held that the present petition has been filed on account of the inter se disputes between Petitioner and Respondent Nos. 4 and 5 (Shyam Telecom Ltd.) regarding the use of the brand name "MTS". It was further held, that although the Petitioner has been professing to advance the present petition in the interest of national security, it is apparent that the Petitioner's agenda is, somewhat, different. Although the Petitioner seeks to espouse public interest, this does not follow the procedure as required by filing a PIL. Accordingly, the Hon'ble Judge dismissed the said writ petition while imposing costs to the tune of Rs. 25,000/- on the Petitioner, to be paid to the Delhi High Court Legal Services Committee. Our view: Writ petitions are

regarded as one of the most important instruments handed to the general public, so its use and incorporation should be regularised and kept in check.

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